

REMARKS

In the Office Action mailed 8/19/02, Claims 9-18 were rejected under 35 U.S.C. §112, first and second paragraph. Applicant proposed amendment to said claims to overcome these rejections on 10/21/02 in the form of a Request to Reconsider; it was Applicant's intent to simply reflect the closed loop nature of the method, as was disclosed in the application as originally filed.

In his Advisory Action mailed 10/31/2002, the Examiner refused to enter the proposed amendment, but he did give the following indications: (1) that the rejections contained in his 8/19/02 office action appeared to have been overcome; (2) that the proposed amendment was objected to under 35 U.S.C. §112, second paragraph, for being indefinite; and (3) that the proposed amendment raised new issues that would require further consideration and/or search.

Herein, Applicant has modified its 10/21/02 proposed amendment slightly in order to resolve the Examiner's prospective §112 rejection; all matter contained in the amendments was disclosed explicitly or inherently in the application as originally filed, and therefore no new matter has been entered.

Applicant has further added new claims 19-26 to, essentially, recapture claim scope that was originally in the application as filed.

Still further, Applicant has further enclosed a signed declaration from each of two of the inventors of the subject invention. The Kruse declaration seeks to specifically detail and make of record the distinction between the Fitzgerald velocity feedback, and the Vyers position feedback.

Patentability of Claims 9-18

As discussed above, Applicant has merely attempted to conform to the Examiner's Advisory Action in amending these claims to overcome the §112, second paragraph rejection for indefiniteness. Applicant respectfully asserts that the claims are now clear as written, and are therefore in condition for allowance.

Patentability of New Claims 19 - 31

These claims seek to reclaim matter originally disclosed, but subsequently canceled from the Claims as an inadvertent result of a divisional requirement. As such, Applicant respectfully asserts that no new matter has been entered, and that these new claims are allowable.

Declarations of Inventors

Inventors Cederstav and Kruse have submitted herewith their declarations in support of the patentability of the present invention. Specifically, Cederstav represents that no other pressure or flow control device is available in the field of Applicant's invention that utilizes closed loop motor control of valve position, despite the considerable value that such high performance valve control would provide to the industry (and is providing in the form of Applicant's product). Applicant provides this information to bolster its position that the entire industry is teaching away from Applicant's novel and nonobvious valve and pressure control method, thereby making it clearer that Applicant's method is nonobvious.

Inventor Kruse has provided his declaration to address the teachings of the Fitzgerald reference specifically. In fact, a review of the comparison between Fitzgerald

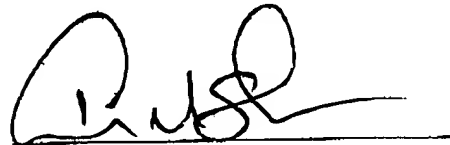
and the method of the present invention clearly reveal that there are substantial differences between the two. In particular, Mr. Kruse has focused on the misleading language and depictions employed by Fitzgerald; Mr. Kruse has clearly demonstrated that the term "position" as used in Fitzgerald is actually velocity, and is therefore radically different from what Applicant refers to as "position." Applicant respectfully asserts that the evidence presented by Mr. Kruse makes a compelling case for the novelty and nonobviousness of Applicant's claimed invention.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests that the application be reconsidered, the claims be allowed, and the case passed to issue.

Respectfully submitted,

STEINS & ASSOCIATES

A handwritten signature in black ink, appearing to read 'K. Steins', written over a horizontal line.

Karl M. Steins
Registration No. 40,186
2333 Camino del Rio South
Suite 120
San Diego, California 92108
Telephone: (619) 692-2004
Facsimile: (619) 692-2003